



1995 SENATE BILL 489

January 16, 1996 - Introduced by Senators HUELSMAN, FITZGERALD, RUDE and BUETTNER, cosponsored by Representatives WARD, GOETSCH, MUSSER, CULLEN, LA FAVE, OLSEN, HASENOHRL, BALDWIN, WILDER, GREEN, F. LASEE and KLUSMAN, by request of Real Property, Probate and Trusts Section of the State Bar of Wisconsin. Referred to Committee on Judiciary.

1 **AN ACT** *to renumber and amend* 701.27 (2) (b); and *to create* 701.27 (2) (b) 2.
2 and 3. and 701.27 (6) (d) of the statutes; **relating to:** allowing surviving joint
3 tenants to disclaim rights to property.

Analysis by the Legislative Reference Bureau

Under current law, a surviving joint tenant may not disclaim (give up all rights to) property that would pass to that surviving joint tenant because of the death of another joint tenant. This bill provides that a joint tenant may disclaim jointly held property upon the death of another joint tenant, which is consistent with federal law. Any jointly held property that is disclaimed passes as part of the estate of the deceased joint tenant.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 701.27 (2) (b) of the statutes is renumbered 701.27 (2) (b) 1. and
5 amended to read:
6 701.27 (2) (b) 1. Upon the death of a joint tenant that occurs on or after the
7 effective date of this subdivision ... [revisor inserts date], a surviving joint tenant
8 may not disclaim any property or interest in property which is the subject of the joint
9 tenancy, or any portion of any property or interest in property, that would otherwise
10 pass to the surviving joint tenant because of the decedent's death.

